

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.28576 to 28580 of 2016

G.Raghu .. Petitioner in W.P.No.28576 of 2016
K.Gnanavel .. Petitioner in W.P.No.28577 of 2016
B.Venugopal .. Petitioner in W.P.No.28578 of 2016
V.Panneer .. Petitioner in W.P.No.28579 of 2016
K.Mohan .. Petitioner in W.P.No.28580 of 2016

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009. ... 1st respondent in
all W.Ps.
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu, Valuthareddy Post,
Villupuram - 605 602 ... 2nd respondent in
W.P.No.28576 of 2016
3. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043. ... 2nd respondent in W.P.
Nos.28577 to 28580 of 2016
4. The Administrator,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. ... 3rd Respondent
in W.P.No.28576 of 2016

Prayer in W.P.No.28579 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioners' retirement benefits such as the Gratuity amount, Commutation of Pension, D.A. Arrears, Settlement arrears, PF arrears, Subscription amount of Engineering College and Medical college and other eligible terminal benefits after duly taking into account the enhanced dearness allowance of 125% with interest at 18% on delayed payment to the petitioner from 29.02.2016 the date of his retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.28577 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioners' retirement benefits such as the Gratuity amount, Leave Encashment (EL) amount, Leave Encashment (ML) Amount, Settlement arrears, Pending in service leave salary for 3 years and Subscription amount of Engineering College and Medical college, Social Security Scheme after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.04.2016, the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.28578 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioners' retirement benefits such as the Gratuity amount, provident fund amount Leave Encashment (EL) amount, Settlement arrears, Pending in service leave salary for 4 years and Subscription amount of Engineering College and Medical college, after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.05.2016, the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.28579 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioners' retirement benefits such as the Gratuity amount, Leave Encashment (EL) amount, Leave Encashment (ML) Amount, Settlement arrears, Pending in service leave salary for 3 years and Subscription amount of Engineering College and Medical

college, after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.05.2016, the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

Prayer in W.P.No.28580 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioners' retirement benefits such as the Gratuity amount, Provident Fund amount, Leave Encashment (EL) amount, Leave Encashment (ML-98) amount, Settlement arrears and Subscription amount of Engineering College and Medical college, after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.06.2016, the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 01.06.2016.

For Petitioners : Mr.V.S.Jagadeesan
in all WPs.
For Respondents : Mr.P.Chinnadurai
Government Advocate -R1 in all WPs.
Mr.S.Sariraman
Standing Counsel for R2 in all WPs
& R.3 in W.P.No.28576 of 2016

C O M M O N O R D E R

By consent, the Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioners joined the service of the Transport Corporation and he retired from service long before. The grievance of the petitioners is that though, they retired from service long before, till date, they was not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondent, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition was filed.

3. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A.

(MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioner therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in this Writ Petition also.

4. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in this Writ Petition is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in this Writ Petition is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the respective Transport Corporation are directed to disburse the aforementioned retiral benefits to the petitioners herein in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.12.2016.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vrc
To

1. The Principal Secretary,
Transport Department,
Govt. Of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu, Valuthareddy Post,
Villupuram - 605 602
3. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.

+5 CC to Mr. V.S. Jagadeesan, Advocate, Sr.No.46738

W.P. Nos. 28576 to 28580 of 2016

VGI (CO)
MD : 14/09/2016

सत्यमेव जयते

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